This listing of claims replaces all prior versions and listings:

Listing of Claims:

1-2. (Canceled)

3. (Currently Amended) ~~The method of claim 2,~~ A method of transmitting information from a first device to a second device, the method comprising steps of:

comparing a data transfer rate to a predetermined threshold, said data transfer rate being related to the rate of transmission of information from said first device to said second device;

transmitting information from said first device during a scheduled period of time in response to said data transfer rate exceeding said predetermined threshold; and

preventing a transmission of said information at a beginning of said scheduled period of time in response to said data transfer rate not exceeding said predetermined threshold,

wherein said step of comparing a data transfer rate to a predetermined threshold further comprises steps of:

determining whether a retry period of time has ended in response to said data transfer rate being below said predetermined threshold;

canceling said transmission of information during said scheduled period of time in response to said retry period of time ending; and

comparing a re-measured data transfer rate to said predetermined threshold in response to said retry period of time not ending,

wherein said step of comparing a data transfer rate to a predetermined threshold further comprises steps of:

determining whether a proximate end to said scheduled period of time has occurred in response to said retry period of time continuing; said proximate end being an instance in time prior to an end of said scheduled period of time, such that a transmission beginning at the proximate end completes prior to the end of said scheduled period of time;

canceling said transmission of information during said scheduled period of time in response to an occurrence of said proximate end; and

performing said step of comparing said re-measured data transfer rate to said predetermined threshold in response to said proximate end to said scheduled period of time not occurring.

4. (Original) The method of claim 3, wherein said step of transmitting information from said first device further comprises a step of transmitting said information from said first device during said scheduled period of time in response to said re-measured data transfer rate exceeding said predetermined threshold.

5. (Canceled)

6. (Currently Amended) ~~The method of claim 5,~~ A method of transmitting information from a first device to a second device, the method comprising steps of:

comparing a data transfer rate to a predetermined threshold, said data transfer rate being related to the rate of transmission of information from said first device to said second device;

transmitting information from said first device during a scheduled period of time in response to said data transfer rate exceeding said predetermined threshold; and

preventing a transmission of said information at a beginning of said scheduled period of time in response to said data transfer rate not exceeding said predetermined threshold.

wherein said step of transmitting information from said first device further comprises steps of:

comparing a data transfer rate of said transmitting information to said predetermined threshold; and

terminating said transmission of information in response to said data transfer rate not exceeding said predetermined threshold.

wherein said step of transmitting information from said first device further comprises steps of:

determining whether a retry period of time has ended in response to said data transfer rate not exceeding said predetermined threshold;

canceling said transmission of information during said scheduled period of time in response to said retry period of time ending; and

comparing a re-measured data transfer rate to said predetermined threshold in response to ~~said~~ a proximate end to said scheduled period of time not occurring.

7. (Original) The method of claim 6, wherein said step of transmitting information from said first device further comprises a step of transmitting said information from said first device during said scheduled period of time in response to said re-measured data transfer rate exceeding said predetermined threshold.

8-9. (Canceled)

10. ~~The method of claim 1,~~ A method of transmitting information from a first device to a second device, the method comprising steps of:

comparing a data transfer rate to a predetermined threshold, said data transfer rate being related to the rate of transmission of information from said first device to said second device;

transmitting information from said first device during a scheduled period of time in response to said data transfer rate exceeding said predetermined threshold;

preventing a transmission of said information at a beginning of said scheduled period of time in response to said data transfer rate not exceeding said predetermined threshold; and

~~further comprising a step of~~ requesting information from said first device prior to said step of comparing, wherein said information includes said scheduled period of time.

11-17. (Canceled)

18. ~~The computer readable medium of claim 17,~~ A computer readable medium on which is embedded a program, the program performing a method of transmitting information from a first device to a second device, the method comprising steps of:

comparing a data transfer rate to a predetermined threshold, said data transfer rate being related to the rate of transmission of information from said first device to said second device;

transmitting information from said first device during a scheduled period of time in response to said data transfer rate exceeding said predetermined threshold; and

preventing a transmission of said information at a beginning of said scheduled period of time in response to said data transfer rate not exceeding said predetermined threshold,

wherein said step of comparing a data transfer rate to a predetermined threshold further comprises steps of:

determining whether a retry period of time has ended in response to said data transfer rate being below said predetermined threshold; and

determining whether a proximate end to said scheduled period of time has occurred in response to said retry period of time not ending; said proximate end being an instance in time prior to an end of said scheduled period of time.

19. (Original) The computer readable medium of claim 18, wherein said step of comparing a data transfer rate to a predetermined threshold further comprises a step of:

canceling said transmission of information during said scheduled period of time in response to an occurrence of said proximate end or an occurrence of said retry period of time.

20. (Original) The computer readable medium of claim 19, wherein said step of comparing is performed during said transmission of information and said step of preventing further comprises a step of:

terminating said transmission of said information at a beginning of said scheduled period of time in response to said data transfer rate not exceeding said predetermined threshold.

21. (Canceled)

22. ~~The network node of claim 21, wherein said network node is further operable to:~~ A network node connected to a network, said network node being operable to:

transmit information at a scheduled period of time on a communication path in said network when a data transfer rate for said communication path exceeds a predetermined threshold;

prevent transmission of said information in response to said data transfer rate not exceeding said predetermined threshold;

determine whether a retry period of time has ended in response to said data transfer rate being below said predetermined threshold;

cancel said transmission of information during said scheduled period of time in response to said retry period of time ending;

compare a re-measured data transfer rate to said predetermined threshold in response to said retry period of time not ending;

determine whether a proximate end to said scheduled period of time has occurred in response to said retry period of time continuing; said proximate end being an instance in time prior to an end of said scheduled period of time, such that a transmission beginning at the proximate end completes prior to the end of said scheduled period of time;

cancel said transmission of information during said scheduled period of time in response to an occurrence of said proximate end; and

perform said comparison of said re-measured data transfer rate to said predetermined threshold in response to said proximate end to said scheduled period of time not occurring.

23. (Original) The network node of claim 22, wherein said network node is further operable to transmit said information during said scheduled period of time in response to said re-measured data transfer rate exceeding said predetermined threshold.

24-26. (Canceled)